

REMARKS

The final Office Action mailed January 11, 2008, has been received and reviewed. All claims stand objected to or rejected. Reconsideration is respectfully requested.

The application is to be amended as previously set forth. All amendments are made without prejudice or disclaimer. Specifically, the applicants propose to amend claims 1 and 9 to ensure that there can be no question that the protein of interest is not an adenoviral protein. Similarly, the applicants have amended claims 1 and 9 to ensure that there can be no question that the nucleic acid is integrated into the genome of the cell. No new matter has been added.

Obviousness-type Double Patenting:

Claims 21, 25-26, 46-47, and 53-54 stand rejected on the ground of non-statutory double patenting over claims 1-21 of US Patent 7,192,759. In the rejection, the Office indicates that "claim 21, which is dependent on claim 1, does not teach integration of the nucleic acid, specifically", and that "the language of claim 1 as used is broad, and can include, for example, a plasmid that has been introduced into the cell", and that "the nucleic acid does not have to integrate into the genome to be part of the cell's genome". (Office Action, page 4, last paragraph). As previously identified (and per the Examiner's implicit suggestion to clarify the claim regarding integration), applicants have amended claims 1 and 9 to recite that the nucleic acid is integrated into the cell's genome. Such clarifying amendments should overcome the rejection. Reconsideration and withdrawal of the rejection is thus respectfully requested.

Several of the claims also stand provisionally rejected on the ground of non-statutory obviousness type double patenting over co-pending application numbers 11/110,517, 11/271,368, 11/450,038, and 11/256,352. Since none of these applications has, in fact, been patented, it is requested that per Office procedure the provisional rejections be withdrawn, once they are the only outstanding rejections.

Entry of Amendments

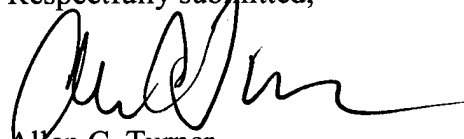
Pursuant to 37 C.F.R. § 1.116, applicants respectfully submit that the amendments presented herein should be entered as the amendments are made to expedite prosecution, raise no new issues, are believed to remove issues for appeal, and place the application in condition for

allowance.

Applicants respectfully note that, as indicated at MPEP § 714.13(III), the Examiner is required to give the proposed amendments sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified. Applicants respectfully submit that the amendments avoid the rejections set forth in the Final Office Action, raise no issues of new matter, and present no issues requiring further consideration or search. If the Examiner determines that the amendments do not place the application in condition for allowance, entry is respectfully requested as they remove issues for appeal. As such, the applicants respectfully request that the amendments presented herein be entered and a Notice of Allowance issued.

If questions remain after consideration of the foregoing, the Office is kindly requested to contact applicants' attorney at the address or telephone number given herein.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Allen C. Turner', written over the printed name.

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